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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,419	04/16/2004	Carl Steiner	STEINER4	9938
1444	7590	02/28/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8/11

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/825,419		STEINER, CARL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Thong Q. Nguyen		2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings contained four sheets of figures 1-10 were received on 4/16/2004. These drawings are approved by the Examiner.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The disclosure is objected to because of the following informalities: a) Page 1: lines 15-16, the sentence thereof "There is a demand for ore convenient design of the known optical devices" should be moved from the section of Summary of the invention to the end of section of Background Art; and in Page 1: line 17, the phrase thereof "According to the invention, this object is attained by an imaging optical device" should be changed to -- According to the invention, an imaging optical device--. The reason of the suggestion is that the sentence disclosed on lines 15-16 does not provide any information of the inventive device; b) Page 3: line 18, "the line III-III of Fig. 1" should be changed to --the line III-III of Fig. 2--. Applicant should note that fig. 2, not Fig. 1, shows the line III-III. There are still some grammatical and idiomatic errors in the specification.

Applicant should carefully proofread the specification. Appropriate correction is required.

***Claim Objections***

5. Claim 1 is objected to because of the following informalities. Appropriate correction is required.

In claim 1: the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Should the phrase thereof "device, in particular binoculars (1) or a telescope," should be changed to --device--.

Applicant should note that applicant still has a right to add dependent claim(s) to recites that the imaging optical device of claim 1 is a binocular device (or a telescope).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

b) Claim 4 is unclear by the recitation related to the structure of the movable adjusting body as recited in the feature thereof "the movable adjusting body comprises an adjusting wheel" (lines 1-2). Applicant is respectfully invited to review the specification in pages 4-5 which discloses the structure of the

adjusting device (5). As disclosed in pages 4-5 of the specification, the adjusting device comprises a focusing wheel (5), a set-screw (8), and an adjusting bar (9) wherein the inner thread (6) of the wheel is engaged with the outer thread (7) of set-screw (8) which setscrew is fixed to the adjusting bar (9). As a result of such structure, a rotation of the focusing wheel (5) will move the adjusting bar (9). Since the specification has not disclosed that the focusing wheel is a movable member, thus the feature thereof "the movable adjusting body comprises an adjusting wheel" as recited in claim 4, lines 1-2 is misdescriptive of the invention as taught in the specification.

b) Claim 5 is unclear by the recitation related to the structure of the potentiometer pickoff of the detection device as recited in the feature thereof "the potentiometer pickoff of the detection device (11) comprises a wiper (10) which is rigidly connected to the at least one adjustable optical component" (lines 1-3).

First, the feature "the at least one adjustable optical component" (line 3) lacks a proper antecedent basis.

Second, the mentioned feature as recited on lines 1-3 of the claim is unclear.

Applicant is respectfully invited to review the specification, in particular, in pages 4-5. Applicant should note that the specification discloses that the wiper (10) is "rigidly centrally joined to the adjusting bar (9)" (Specification, page 5, lines 5-6). Since the adjusting bar is not an optical component, so the feature that the recitation that the wiper is connected to at least one adjustable optical

component as claimed is misdescriptive of the invention as taught in the specification.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyano et al (U.S. Patent No. 5,859,733) in view of Ito (U.S. Patent No. 6,115,554).

Miyano et al disclose an apparatus for detecting and displaying position of a lens on an optical axis. In the embodiment as described in columns 7-9 and shown in figs. 6-11, the apparatus comprises the following features: a) a lens barrel (21) for supporting a plurality of lens elements (L1-L3) and elements for controlling the movement of at least one lens element (L2); b) an adjusting body (23) for holding the lens (L2) wherein the adjusting body is movable along a driving axis (24) for moving the lens via the operation of a driving system having a piezoelectric element (25); c) A display system in the form of a liquid crystal device ; d) a detecting system having magnet rod (26), a magneto-resistive element (28) and processing components for detecting the position of the movable lens (L2) and for controlling the operation of the piezoelectric element for moving the lens to adjust the focus; a processing system having a CPU (41), circuitries (43-45) and

focus detecting circuitry for converting the data related to the position of the movable lens from the detecting system and the focus detecting circuitry into the data of distance from the camera to the object to be photograph. See column 9, It is noted that since the camera is operated to focus the object to be photograph, thus the distance from the camera to the object will provide the user information related to the focal length of the system. Regarding to the detection system, in columns 7-9, Miyano et al disclose the use of having magnet rod (26) which is fixed inside the lens barrel and a magneto-resistive element (28) attached to the adjusting body (23) which is in turn supported the movable lens (L2), and a circuitry for detecting the position of the movable lens based on the magnetic operation between the magnetic rod and the magneto-resistive element wherein the magneto-resistive element acts as a wiper and the magnetic rod having a plurality of magnetic elements acts as a wiper contact. The only feature missing from the system provided by Miyano et al is that they do not clearly state that their system comprises energy source in the form of battery for powering the operation of the detecting system, the processing system and the display system. However, it is known to one skilled in the art in the camera field for use a set of batteries for powering all electrical components constituted the camera. The support for that conclusion is found in the camera provided by Ito. In particular, Ito discloses a camera having a plurality of electric components such as light source (12), focusing system (14), distance measure system (16), display system (17), a processing system in the form of a CPU (11) and a battery system (31)

connected and provided power/energy to all electric components. See columns 3-5 and fig. 1. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the camera system provided by Miyano et al by using a set of battery system for providing power/energy to operate all electrical components as suggested by Ito to make the system more compact and reducing spaces for power/energy sources for each electric component.

10. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyano et al in view of Ito as applied to claim 1 above, and further in view of Kawamura et al (U.S. Patent No. 6,459,857).

The combined product as provided by Miyano et al and Ito does not explicitly disclose the use of a button for temporary activation the detecting system and/or the display system as claimed. However, the use of a button for turning on/off a display system is known to one skilled in the art as can be seen in the camera provided by Kawamura et al. In particular, in columns 4-5 and fig. 2, Kawamura et al disclose a camera having a liquid crystal system (31) for displaying image, and a button (32) for turning on/off the display system. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the combined product provided by Miyano et al and Ito by installing a circuitry connecting a button to a display system as suggested by Kawamura et al for the purpose of turn on/off the display to reduce the power consumption made by the display system when it is not in use by a user.



It would have been obvious to one skilled in the art at the time the invention was made to modify the combined product provided by Miyano et al and Ito by using a circuitry for connecting a button to the detecting system from the teaching provided by Kawamura et al for the same purpose. In other words, a turn off of the power to the detecting circuit when the system is in focus will reducing the power consumption made by the detecting circuit when the detecting circuit is not in use by a user.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyano et al in view of Ito as applied to claim 1 above, and further in view of Khovaylo et al (U.S. Patent No. 6,172,360).

While the connection among the battery system and the electric components as disclosed by Ito in the combined product as provided by Miyano et al and Ito does not explicitly disclose the wire is a ribbon cable as claimed, however, the use of ribbon cable for electrical connection among the battery system and electric components is known to one skilled in the art as can be seen in the device provided by Khovaylo et al. In particular, in column 8, Khovaylo et al disclose that the electric wire used to connect the communication of image sensor, the light source, the data processing system...are ribbon cable. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the combined product provided by Miyano et al and Ito by using ribbon cable for connecting the electric components and power source as

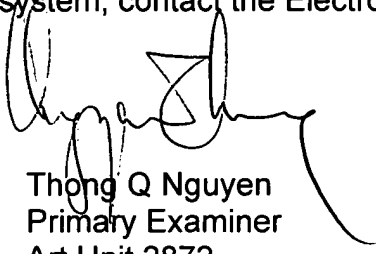
suggested by Khovaylo et al for the purpose of transferring both power and information among the components.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872

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